

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of

DIRECTOR, DEPARTMENT OF LABOR
AND INDUSTRIAL RELATIONS,

Complainant,

and

JAS ROOFING,

Respondent.

CASE NO. OSH 2008-4

ORDER NO. 278

PRETRIAL ORDER

PRETRIAL ORDER

Pursuant to the initial conference in this matter held by the Hawaii Labor Relations Board (Board) on March 18, 2008 by conference call, and attended by Herbert B.K. Lau, Deputy Attorney General, for Complainant, and Ellen Spielman, for Respondent, by telephone, IT IS HEREBY ORDERED THAT:

1. The issues to be determined at trial are as follows:
 - A. Whether Citation 1, Item 1, including the characterization as "Serious" and the associated penalty of \$625.00, resulting from Inspection No. 311430458, was valid and proper.

Citation 1, Item 1 alleged:

29 CFR 1926.1053(b)(16) [Refer to chapter 12-154.1, HAR] was violated because:

A portable aluminum ladder had a bent and split side rail towards the footing section that exposed employees using the ladder to serious injuries due to fall hazards.

- B. Whether Citation 2, Item 1, including the characterization as "Repeat" and the associated penalty of \$2,000.00, resulting from Inspection No. 311430458, was valid and proper.

Citation 2, Item 1 alleged:

29 CFR 1926.501(b)(13) [Refer to chapter 12-121.2, HAR] was violated because:

Two employees working on a roof without any type of fall protection were exposed to serious injuries in the event of a fall to the lower level.

2. The deadline for the parties' final naming of witnesses is **April 21, 2008**. Each party shall provide a list of the names of witnesses it plans to call at trial, along with the witnesses' addresses and brief summary of expected subject of their testimony, to the other party and to the Board by this date. Each party shall also exchange any expert witness reports by this date.
3. The discovery cutoff date is **May 16, 2008**. All other discovery and information requests, including depositions and document requests, must be completed by this date.
4. Trial in this matter is scheduled for **June 24, 2008 at 9:00 a.m.**, in the Board's hearing room located at Room 434, 830 Punchbowl Street, Honolulu, Hawaii, 96813. The trial will continue from day-to-day until completed.
5. Hereafter, this Pretrial Order shall control the course of proceedings and may not be amended except by consent of the parties and the Board, or by order of the Board.

DATED: Honolulu, Hawaii, March 19, 2008.

HAWAII LABOR RELATIONS BOARD



JAMES B. NICHOLSON, Chair



EMORY J. SPRINGER, Member



SARAH R. HIRAKAMI, Member

DIRECTOR, DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
vs. JAS ROOFING
CASE NO. OSH 2008-4
ORDER NO. 278
PRETRIAL ORDER

NOTICE TO EMPLOYER

You are required to post a copy of this Order at or near where citations under the Hawaii Occupational Safety and Health Law are posted at least five working days prior to the trial date. Further, you are required to furnish a copy of this Order to a duly recognized representative of the employees, if any, at least five working days prior to the trial date.

Copies sent to:

Herbert B.K. Lau, Deputy Attorney General
Joseph A. Spielman